

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOE ROSS TAYLOR,

Plaintiff,

v.

Case No. 08-14083

ERIC EBERSOLD, et al.,

Honorable Patrick J. Duggan

Defendants.

ORDER DENYING PLAINTIFF'S MOTION

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on October 29, 2008.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

Joe Ross Taylor ("Plaintiff"), who is currently incarcerated at the Wayne County Jail, initiated this *pro se* civil rights action against Eric and "Dorthy" Ebersold (collectively referred to as "Defendants") in the United States District Court for the Western District of Michigan on September 4, 2008. On September 23, 2008, the Honorable Gordon J. Quist issued an order transferring Plaintiff's case to this Court. On October 1, 2008, this Court granted Plaintiff's application to proceed without prepayment of fees. Nonetheless, the Court summarily dismissed the complaint for failure to state a claim upon which relief may be granted because Plaintiff appeared to be asserting Fourth and Fourteenth Amendment violations against private actors. Presently before the Court is Plaintiff's "Motion to Allow Me to State a Claim on which Relief May be Granted and

that Mrs. Dorthy Ebersold Got the Rope that Mr. Ebersold Tied Around My Neck and Nose.” The Court will treat the motion as one for reconsideration.

Eastern District of Michigan Local Rule 7.1(g) provides that a motion for reconsideration should be granted only if the movant demonstrates that the court and the parties have been misled by a palpable defect and that a different disposition of the case must result from correction of that defect. E.D. Mich. LR 7 .1(g). A motion that merely presents the same issues already ruled upon by the court shall not be granted. *Id.*

Other than the motion’s title, the entire content of Plaintiff’s motion reads, “Joe Ross Taylor by Joe r. Taylor pro-se moves this Court to allow me to proceed with my complaint. My claim for relief is Mentel [sic] Anguish, Pain and Suffering, and Racial Intimidation.” Plaintiff’s motion fails to set forth any actionable civil rights claim against the Ebersolds or identify a “palpable defect” that misled the Court when it summarily dismissed Plaintiff’s complaint.

Accordingly,

IT IS ORDERED that Plaintiff’s motion is **DENIED**.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
Joe Ross Taylor
#0645806
Wayne County Jail
525 Clinton Street
Detroit, MI 48226